

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNIVERSAL TRADING & INVESTMENT
CO,

Plaintiff,

v.

KIRITCHENKO ET AL,

Defendant.

No. C-99-03073 MMC (EDL)

**ORDER RE MOTION FOR
PROTECTIVE ORDER AND MOTION
TO COMPEL**

On May 1, 2007, Defendant Lazarenko's Motion for a Protective Order (Doc. No. 1268) and Plaintiff's Administrative Motion to Compel Defendant's Signing Release of Freedom of Information Form (Doc. No. 1292) came on for hearing. John Aspelin appeared for Plaintiff, and Doron Weinberg appeared for Defendant. After full consideration of the papers and the parties' arguments at the hearing, and for good cause shown, the Court DENIES Defendant's motion and GRANTS Plaintiff's motion as follows:

1. Defendant Lazarenko is ordered to appear for deposition for up to three full days during the week of May 14, 2007. Defendant Lazarenko, and Defendant Lazarenko's counsel, shall comply with the rules for deposition and not make speaking objections or unduly delay responses. The Fifth Amendment privilege shall be asserted, if at all, on a question-by-question basis. Defendant Lazarenko is cautioned that the Fifth Amendment should only be asserted appropriately, bearing in mind the limited remaining potential for criminal liability and Defendant Lazarenko's previous filings in other courts or other statements that may operate as a waiver of any Fifth Amendment privilege against self-incrimination as to certain subject areas.

- 1 2. If, at the close of three full days of deposition, Plaintiff believes in good faith that
2 more time is required to depose the witness, the parties shall meet and confer and
3 attempt to agree. If they cannot agree, Plaintiff may apply to the Court for leave to
4 extend the three day time limit based on a showing of truly good cause.
- 5 3. Defendant Lazarenko is ordered to immediately request from the F.B.I. a copy of
6 reports of F.B.I. interviews of Mr. Lazarenko, pursuant to the Freedom of
7 Information Act, 5 U.S.C. § 552 (d). Defendant is ordered to produce a copy of the
8 reports it receives to Plaintiff within 1 day of receipt from the government.

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10 **IT IS SO ORDERED.**

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13 Dated: May 2, 2007

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge